

RESPONSE AND AMENDMENT

Serial Number: 09/654,025

PA0463.ap.US

Filing Date: September 1, 2000

Title: VIDEO GAMING SYSTEM WITH WILD CARD SYSTEM AND BONUS SYSTEM

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16. The method of claim 15 wherein any winning event from displaying a plurality of randomly selected game symbols on a display are resolved before determining a bonus outcome based on the displayed game symbols and wild symbols.

17. The method of claim 15 wherein any winning event from displaying a plurality of randomly selected game symbols on a display are resolved after determining a bonus outcome based on the displayed game symbols and wild symbols.

18. The method of claim 15 wherein any winning event from displaying a plurality of randomly selected game symbols on a display are resolved at about the same time as determining a bonus outcome based on the displayed game symbols and wild symbols.

19. The method of claim 1, wherein the maximum number of viewable positions is 15.

20. The method of claim 1, wherein an appearance of the wild symbol changes to another game symbol at or before game outcomes are determined.

21. The method of claim 1, wherein the wild symbols are wild as to fewer than all of the game symbols.

RESPONSE AND COMMENTS ON THE REJECTIONS

The Rejection Based on Bennett 6,089,977

There is a significant difference between the play recited in the claims and the process described by Bennett 977. In the claims, in comparison with the teachings of the 977 Patent, the claims recite that:

“...upon the occurrence of a predetermined triggering event,
randomly selecting between zero and fewer than a maximum number of
viewable symbol positions as a wild symbol position;”

The '977 patent requires that all symbol positions be designated wild, one at a time, and that they be designated in a certain order, along the path shown in Figure 3. The recitation of “fewer than a maximum number of viewable symbols” in claim 1 distinguishes over the '977 reference. The present claim 1 limitation cannot allow all viewable symbols to be wild symbols, while the 977 Patent requires all symbols (each separate symbol position) to be wild, one at a time. Claims 1-17 and 19-21 are neither anticipated nor obvious over the teachings of the 977 Patent.

The 013 patent is distinguished for the same and different reasons, except that the argument of a 'single event' does not apply to claim 12, which is separately distinguished. There are numerous different methods and alternatives described in the 013 Patent, and each must be distinguished. The present claims will be compared to the individual examples (referred to by the Example and Number) given for alternatives in the 013 Patent. In example 1, a certain symbol is designated as wild. We designate symbol positions within the display as a wild position, which can include any or all types of game symbols. When two or more wild positions are selected, the symbols in the selected wild positions may be different symbols or the same positions. At no time is a specific symbol selected to be wild. That limitation is already in the claim ...”randomly selecting...viewable symbol positions”.

In example 2, a single symbol is selected and is given a "scatter" function. In this instance, it is again a symbol, rather than a symbol position, that is designated.

In example 3, two different symbols are selected and the positions are swapped prior to scoring. Once again, symbols are selected, symbols are swapped, and there are no symbol positions that are selected and designated as wild.

In a 4th example, a wheel with special symbols appears on the screen, and all symbols are designated "special". Although the manner of scoring in this example is not clear, the random number generator is selecting a symbol, rather than a symbol position. It is clearly a general symbol that is selected, not a specific symbol position on the reel or screen.

In the 5th example, a row or column is randomly chosen, and all symbols appearing in that row or column are designated wild IN ANOTHER GAME. A win in the designated row or column enhances the payout in the next game. The present claims have been amended to recite that the selection of symbol positions enables game outcome determination in the same game event, while this embodiment of Bennett requires that wild symbols be used in subsequent game play.

In contrast, we are randomly selecting symbol positions to designate as wild IN THE SAME GAME. The claims have been amended to recite the language "in the same game event" to clarify this position.

With regard to claim 12, a separate argument can be made. In the 013 reference, the selected line or column in the next game doesn't really act like a wild symbol. In scoring the game of example 5 (of Bennett 013), the player uses the normal game symbols. If a normal symbol combination appears anywhere in the designated line or row, the player gets an enhanced payout. The method of play does not increase the probability of getting more combinations, it just increases the possible payout. The claim, as revised, distinguishes over this art in

the step of "determining game outcomes based on the predetermined combinations of displayed game symbols and wild symbols."

The rejections also fail to disclose specific limitations of the dependent claims. For example, claim 11 recites that scatter pay symbols cannot be selected as wild symbols. That teaching is not present in the Bennett references.

Claim 9 recites a specific relationship between wild symbols in the underlying play of the game (which is not described by either Bennett reference) and the converted wild symbol. This feature is not taught by the references used in the rejection.

The Rejection of Claim 18 Under 35 USC 103(a)

The rejection of claim 18 under 35 USC 103(a) is traversed for the same reasons as claims 1-17 and 19-21 were argued as patentable over the Bennett references. This claim and its additional limitation were still rejected over only the Bennett references. Those references, even if cited under a different statute, do not teach the limitations they failed to show under 35 USC 102(e) and there is no additional reference or basis for asserting those limitations are obvious.

CONCLUSION

The above amendments and discussion have completely responded to each and every issue in the Office Action. It is respectfully submitted that all claims are in condition for allowance.

The Examiner is invited to contact the Applicants' Representative at the below-listed telephone number if there are any questions regarding this communication.

Respectfully submitted,
MARK L. YOSELOFF
By their Representatives,

MARK A. LITMAN & ASSOCIATES, P.A.

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York Business center, Suite 205
3209 West 76th Street
Edina, MN 55435
(952)832.90909

Date 7 October 2002

By 
Mark A. Litman
Reg. No. 26,390

I hereby certify that this correspondence is being deposited with the United States Postal Service as first class mail in an envelope addressed to Assistant Commissioner of Patents, Washington, D.C. 20231 on OCTOBER __, 2002.

Name

Signature

CLEAN COPIES OF PARAGRAPHS AND AMENDED/NEW CLAIMS IN COMPLIANCE WITH 37 C.F.R. 1.121**TEXT on page 1, lines 18ff:**

Wagering games, including wagering games for casino play, with multiple wagering opportunities are known. U.S. Pat. Nos. 4,861,041 and [5,087,405] 5,078,405 (both to Jones et al.) disclose methods and apparatus for progressive jackpot gaming, respectively. The former patent discloses that a player may make an additional wager at the beginning of a hand, the outcome of the additional wager being determined by of a predetermined arrangement of cards in the player's hand. U.S. Pat. No. 4,836,553 (to Suttle and Jones) discloses a modified version of a five card stud poker game.

TEXT ON page 4, lines 20ff:

U.S. Patent No. [5,980,344] 5,980,344 describes an embodiment of the invention in which the player initiates a round of a reel slot type machine game (often referred to as a "spin" or "play") by pulling the slot machine handle or pushing a button and waiting for the reels to stop spinning. If a row of common symbols appears in the primary game, and the symbols may include wild card symbols such as Jokers, the player has a win. In variants of the primary game where there are multiple rows of symbols displayed, if a column or diagonal line of common symbols appear in the primary game, the player has a win or gains some other game advantage.

TEXT on page 7, lines 6ff as follows:

Many video gaming systems provide wild symbols, almost always wild cards, in the play of their games. Examples of wild symbol games include, but are not limited to, U.S. Patent Nos. 6,007,066; 5,882,259; 5,823,873; 5,868,618; 5,868,619; 5,816,915 and 5,489,101.

U.S. Patent No. 5,332,228 describes an improved stud poker game that requires no decisions from the player after the initial bet is placed. Each hand has one guaranteed wild card that appears at a card position which is predetermined, and shown to the player, before the player's cards are dealt. In addition to the one guaranteed wild card, all like-valued cards in the hand are also wild. Also, there are a number of novel and entertaining ways to determine the wild card position. The game is adaptable to both video play and table play formats.

U.S. Patent No. 5,308,065 describes a casino table card game where a player, after making a wager, is dealt, face-up, a hand of five cards that is placed in a player-hand area. The player also receives a solitary card, which is dealt face down in a single-card area. The player then has a chance to improve the ranking of the five-card hand by discarding up to five cards and replacing them with an equal number of new cards. After the player rearranges the five-card hand, the solitary card is turned face-up and all the cards in the player's hand that have the same face value as the solitary card are designated wild. The ranking winnings are calculated according to a statistical pay table.

CLEAN COPY OF THE AMENDED CLAIMS

1. A method of playing a video wagering game, comprising:

a player placing a wager on a reel-slot-type video game having a plurality of symbol positions; displaying a plurality of randomly selected game symbols on a display, each symbol appearing in a designated symbol position;

upon the occurrence of a predetermined triggering event, randomly selecting between zero and fewer than a maximum number of viewable symbol positions as a wild symbol position;

converting each symbol displayed within each selected wild symbol position to a wild symbol; and

determining game outcomes based on the displayed game symbols and wild symbols in the same game event.

12. A method of playing a video wagering game, comprising:

a player placing a wager on a reel-slot-type video game;

displaying a plurality of randomly selected game symbols on a display, each symbol appearing in a designated symbol position;

upon the occurrence of a predetermined triggering event, randomly selecting at least one, and fewer than all symbol positions as wild symbol positions;

converting each symbol displayed within each selected wild symbol position to a wild symbol;

retaining wild symbols in their respective positions and randomly distributing at least some non-wild symbols into frames in the display to perform a second gaming event; and

determining game outcomes based on predetermined combinations of the displayed game symbols and wild symbols in the second gaming event.

13. An apparatus for playing a video wagering game comprising a housing, a memory system, and a monitor, the memory system directing a process comprising, not necessarily in sequence:

a) accepting a wager on a reel-slot-type video game;

- b) displaying a plurality of randomly selected game symbols on a display, each symbol appearing in a designated symbol position;
- c) upon the occurrence of a predetermined triggering event, randomly selecting at least one but fewer than all symbol positions as wild symbol positions
- d) converting each symbol displayed within each selected wild symbol position to a wild symbol; and
- e) determining game outcomes based on the displayed game symbols and wild symbols within a single game event.

15. A method of playing a video wagering game with a bonus feature, comprising:

- a player placing a wager on a reel-slot-type video game having a plurality of symbol positions;
- displaying a plurality of randomly selected game symbols on a display, each symbol appearing in a designated symbol position;
- addressing any winning events by a procedure selected from the group consisting of a) resolving any winning events, b) carrying any winning events forward for later resolving, and c) carrying any winning events forward for modification of the winning event by a bonus play;
- upon the occurrence of a predetermined triggering event for a bonus event, randomly selecting at least one and fewer than all of said plurality of symbol positions as a wild symbol position;
- converting each symbol displayed within each selected wild symbol position to a wild symbol; and
- determining a bonus outcome based on the displayed game symbols and wild symbols within the gaming event.